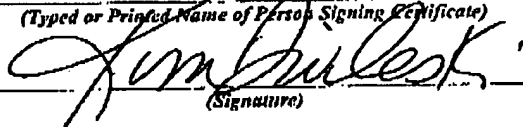


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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Anthony J. Stamper			Docket No. BUR920030189US1
Application No. 10/709,722	Filing Date 5/25/2004	Examiner Chu, Chris C.	Group Art Unit 2815
Invention: METHOD OF FORMING A SEMICONDUCTOR DEVICE HAVING AIR GAPS AND THE STRUCTURE SO FORMED			
<p>I hereby certify that this <u>Restriction Election (2 pages)</u> <i>(Identify type of correspondence)</i> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>) on <u>6/6/2005</u> <i>(Date)</i></p>			
<p style="text-align: center;"> <u>Kim Dwijeski</u> <i>(Typed or Printed Name of Person Signing Certificate)</i>  <i>(Signature)</i> </p>			
<p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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DOCKET NO.: BUR920030189US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Anthony J. Stamper

Examiner: Chu, Chris C.

Serial No.: 10/709,722

Art Unit: 2815

Filed: 5/25/2004

**For: METHOD OF FORMING A SEMICONDUCTOR DEVICE HAVING AIR GAPS
AND THE STRUCTURE SO FORMED**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION

In response to the Restriction Requirement dated May 9, 2005, Applicants hereby provisionally elect Group II, claims 16-30, drawn to a semiconductor device, classified in Class 257, subclass 758. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 1-15, drawn to a method of forming a semiconductor device.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-30 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. Sec MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits." Applicants respectfully submit that this policy

10/709,722

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should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the merits. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: 06/06/2005

Jack P. Friedman
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